

**OSD Declassification/Release
Instructions on File**

OFFICE OF THE SECRETARY OF DEFENSE

11/16/77

Memo For Mr. Intrater, Treasury

Mr. Haller, GSA


STATINTL

 
Mr. Hull, State

SUBJECT: Legislative Drafting Group

Attached for your review and comment is hopefully the final draft of our legislative package. All items we were required to prepare are included. Please let me have your comments as soon as possible.

After I receive all comments, I will schedule a meeting if our differences are great.


William F. Coakley
Personnel Management Specialist
Office of Civilian Personnel Policy

Attachments

There is forward herewith a draft of legislation "To amend chapters 57 and 59 of title 5 of the United States Code to standardize reimbursement to employees for the extraordinary and necessary expenseses they incur in relocating their households when being transferred for the convenience of the Government from one locality to another, and for other purposes."

This proposal is part of the legislative package required to implement the recommendations of the Inter-agency Committee on Overseas Allowances and Benefits. This Committee, which was composed of top officials from the 20 agencies with overseas employees, made a comprehensive review of the allowances and benefits provided overseas employees and recommended changes to assure equity and uniformity in the future administration of the system.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

The Honorable,

Thomas P. O'Neill, Jr.,

The Speaker of the House of Representatives,

Washington, D. C. 20515

The draft bill would amend section 5724a of title 5 to provide reimbursement to all Federal employees in connection with all transfers within the United States and amend section 5924 of title 5 to provide reimbursement to all Federal employees in connection with international transfers. At the present time, there are both overlaps and gaps in existing authority to pay transfer allowances. Reimbursement for necessary occupancy of temporary quarters and for certain miscellaneous expenses are currently authorized under both of the above sections on certain international transfers. Dual payments are prohibited but the overlap in authority should be eliminated.

Another anomaly is that Foreign Service employees are not currently authorized transfer allowances when they are transferred within the United States. The Department of State has more than a dozen field offices to which Foreign Service employees are occasionally transferred and it is unfair not to reimburse them for the same types of expenses, necessarily incurred, for which other employees are reimbursed. The proposed bill would correct both of these problems.

The draft bill would also establish a new allowance to reimburse employees for miscellaneous expenses they

incur when transfer orders are changed or cancelled for the convenience
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

of the Government. Occasionally, because of an unexpected need to replace a key employee who has died or because of some other emergency, an employee's transfer orders may be changed or cancelled after he has incurred expenses in anticipation of a household move such as converting appliances for use in another country.

The proposed allowance would reimburse employees only for expenses incurred after receipt of written transfer orders which are subsequently changed or cancelled. The kind of expenses to be reimbursed would be limited to those miscellaneous expenses which are now authorized to be reimbursed under section 5724a(b) when transfers are carried out. The maximum reimbursement would be limited to two weeks salary at the GS-13 maximum salary rate.

The draft bill would also extend to employees of all agencies and departments the educational travel benefits now available to the Foreign Affairs Agencies. Employees of all agencies may be reimbursed for necessary travel expenses for dependents to attend secondary schools or colleges in the United States. However, employees of the Foreign Affairs Agencies may be reimbursed for one round trip each year for each qualifying dependent, while employees of other agencies may be reimbursed for only one round trip for each type of education. For sake of equity and uniformity and to assure uniting of families of all agencies at least once each year, the Committee recommended

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
extending this benefit to dependents abroad. This bill would also authorize travel to attend certain types of technical schools, such as nursing schools, in recognition of the fact that many dependents now seek career training other than the traditional college programs.

The draft bill would also standardize the maximum number of days for which subsistence expenses could be reimbursed while an employee is necessarily occupying temporary quarters incident either to a domestic or international transfer. The bill would reduce such maximum time now authorized on international transfers from 120 days to 90 days and increase the maximum time authorized on domestic transfers from 30 to 90 days. Thirty days is not adequate in certain situations on domestic transfers and 120 days is seldom needed on international transfers. Accordingly, it is recommended that the time in both cases be standardized at 90 days with periods in excess of 30 days on domestic transfers, and in excess of 60 days on international transfers, not be reimbursed in the absence of a special determination of need approved by the agency head or his designee.

The proposed bill would establish a maximum 12,000 pound household goods transportation and storage weight allowance. As with the temporary quarters and subsistence allowances, the pertinent legislative bases authorizing shipments of personal effects between the old and the new duty stations allows different weight limitation for different categories of Government employees. The Committee feels that a maximum allowance of 12,000 pounds

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
should be provided for all employees. This is the amount allowable for Foreign Service employees and is only 1,000 pounds greater than the amount prescribed in 5 U.S.C. 5724(a) and 5726(b) for other Federal employees.

The bill would also authorize shipment of up to 700 pounds of unaccompanied baggage in addition to the proposed household goods allowance of 12,000 pounds. This provision extends to other Federal employees the baggage allowances which are currently available to Foreign Service employees, and is made in consideration of the transit time associated with overseas shipment of household effects. Since household effects transported overseas are normally shipped by ocean transportation, the employee and family normally arrive at the new duty station well in advance of the household effects. By allowing excess and unaccompanied baggage, the Government affords the opportunity to ship clothing and housekeeping items needed in the interim period between the employee's arrival and the arrival of the household effects.

Finally, the bill would allow Federal executive agencies to store, at Government expense, the household goods of employees who are absent from their post under Government orders for extended periods of time. The committee believes that this provision would be beneficial to the Government for two reasons. First, when storage allowance is provided in lieu of residence quarters, those quarters are available for use by other employees. Additionally, it may be more economical to provide storage allowance than to pay a living quarters allowance.

A draft bill and sectional analysis are enclosed.

A BILL

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

To amend chapters 57 and 59 of title 5 of the United States Code to standardize reimbursement to employees for the extraordinary and necessary expenses they incur in relocating their households when being transferred for the convenience of the Government from one locality to another, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 5724(a) of title 5, U. S. Code, is amended to substitute "travel" for "transportation".

Sec. 2. Section 5724 of such title is amended by deleting subsection 5724(a)(2) and by substituting the following new subsection 5724(a)(2):

"(2) The expenses of transporting, packing, crating, temporarily storing, draying and unpacking household goods and personal effects not in excess of 12,000 pounds."

Sec. 3. Section 5724 of such title is amended by deleting "and" at the end of subsection (a)(1); deleting the period at the end of subsection (a)(2), and inserting "; and" at the end of that subsection, and by inserting the following new subsection:

"(3) The expenses of transporting, packing, crating, temporarily storing, draying and unpacking not in excess of 700 pounds unaccompanied baggage in addition to the allowance specified in (2) above."

Sec. 4. Subsection (a) of section 5724 a of such title is amended as follows: Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

(a) by inserting "or chapter 14 of title 22" immediately preceding the colon which preceeds the numbered paragraphs.

(b) by deleting paragraph (1) and renumber paragraphs (2), (3), and (4) as (1), (2), and (3), respectively.

(c) by amending the first two sentences of paragraph (2) as renumbered by this Act to read as follows:

"Subsistence expenses of the employee and his immediate family for a period of 30 days while occupying temporary quarters when the old and new official stations are located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone. Payment of subsistence expenses may be authorized for up to an additional 60 days when the agency head determines that there are compelling reasons for the continued occupancy of temporary quarters, except that in the case of transfers to or from Hawaii, Alaska, United States territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone, payment of subsistence expenses may be authorized for up to a total of 60 days without requiring a special determination by the agency head in each case."

Sec. 5. Amend the preamble of subsection (b) of section 5724 a of such title to read as follows:

"Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided

therein, notwithstanding other reimbursement authorized under
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
this subchapter, and when the old and new official stations are

located within the United States, its territories or possessions,
the Commonwealth of Puerto Rico or the Canal Zone, an employee
eligible to be reimbursed under subsection (a) of this section or
section 5724(a) of this title is entitled to --".

Sec. 6. Amend section 5724 a of such title to add a new subsection (d)
at the end thereof to read as follows:

"(d) An employee in receipt of official written orders transferring
him to permanent duty in another location, who, in preparation
for such transfer incurs expenses of the type ordinarily reim-
bursed under subsection (b) of this section but which are not
reimbursed because the transfer orders are subsequently
cancelled or changed for the convenience of the Government,
may be reimbursed under this subsection up to an amount not
to exceed two weeks' basic pay. However, the amount may
not exceed an amount determined from the maximum rate for
GS-13."

Sec. 7. Section 5726 of such title is amended by deleting the word
"11,000" from subsection 5726(a), and substituting the word "12,000".

Sec. 8. Section 5923 of such title is amended by deleting paragraph (1)
and renumbering paragraphs (2) and (3) as (1) and (2), respectively.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

Sec. 9. Subparagraph (2)(B) of section 5924 of such title is amended to read as follows:

"(B)the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone following a transfer from a post in a foreign area, except that payment may not be made under this subparagraph (B) unless the employee agrees in writing to remain in Government service for 12 months after his transfer, unless separated for reasons beyond his control that are acceptable to the agency concerned. If the employee violates the agreement, the money spent by the United States for the expenses and allowances is recoverable from the employees as a debt due the United States."

Sec. 10. Subparagraph (4)(B) of section 5924 of such title is amended to read as follows:

"(B)the travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary, a post secondary technical or vocational, or an undergraduate college education, not to exceed one annual trip each way for each dependent. An allowance payment under subparagraph (A) of this subsection (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6)

secondary or vocational or undergraduate education, may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone."

Sec. 11. Subchapter III of chapter 59 of such title is further amended by adding a new section 5926 at the end thereof to read as follows:

"SEC. 5926. Temporary Quarters Subsistence Allowance

"An allowance to cover subsistence expenses actually incurred while an employee or the employee's immediate family members occupy temporary quarters incident to 1) an initial appointment and travel to a foreign area or 2) a transfer to a post of duty into or out of a foreign area. Payment of subsistence expenses in excess of 60 days shall not be made under this section unless the agency head determines that there are compelling reasons for the continued occupancy of temporary quarters, and in no event shall payment be made for such expenses in excess of 90 days. The regulations shall prescribe average daily rates for subsistence expenses per individual, not in excess of the following percentages of the maximum per diem rates prescribed by or under section 5702 of this title, for the location in which the temporary quarters are located: 75% for the employee, 50% for each family member 12 years of age and older, and 35% for each family member below 12 years of age. If the new post of

10 days out

duty is in the United States, payment may be made under this
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

section for subsistence expenses incurred in the United States
only after the employee agrees in writing to remain in Government
service for 12 months after his transfer, unless separated for
reasons beyond his control that are acceptable to the agency
concerned. If the employee violates the agreement, the money
spent by the United States for such expenses is recoverable from
the employee as a debt due the United States."

Sectional Analysis

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

Section 1 of the bill would amend section 5724(a) of title 5, U. S. Code, so that both transportation and per diem for employees and members of their immediate families would be authorized by this one section. This section currently covers both of these types of expenses for employees plus transportation for immediate family members. Per diem for the latter is currently covered under paragraph (1) of subsection 5724a(a) which is being repealed by section 4 of the bill to simplify legislation on this subject.

Section 2 of the bill would establish a maximum household goods weight allowance of 12,000 pounds for employees who require transportation and temporary storage of their personal effects incident to a permanent change of duty station.

Section 3 of the bill would authorize expedited packing, transportation, storage and unpacking of up to 700 pounds of unaccompanied baggage for employees incident to a permanent change of station. This amount is in addition to the normal household goods allowance of 12,000 pounds which is proposed in section 2.

Section 4 of the bill would amend subsection (a) of section 5724a of title 5--

(a) to remove the prohibition for payment of transfer allowances thereunder to Foreign Service employees on domestic transfers.

The subsection as amended would authorize reimbursement of the types of expenses enumerated therein to all Federal employees transferred for the convenience of the Government between

localities within the United States and possessions,
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

the Commonwealth of Puerto Rico or the Canal Zone;

(b) to repeal paragraph (1), whose substance is being transferred by section 1 of the bill to section 5724(a) of title 5, and to renumber the remaining paragraphs accordingly;

(c) to revise paragraph (2), as renumbered, to authorize subsistence expenses for up to 90 days while employees and/or members of their immediate families necessarily occupy temporary quarters incident to a domestic transfer. Reimbursement for periods beyond 30 days in the continental United States, or beyond 60 days in the outer areas of the United States--the present time limits--could not be authorized under this proposed amendment unless a special determination is made by the agency head or his designee, that there are compelling reasons for the continued occupancy of temporary quarters.

Section 5 of the bill would amend subsection (b) of section 5724a of title 5 to limit payments thereunder to reimbursement for miscellaneous expenses incurred incident to domestic transfers and to remove the prohibition on reimbursement of Foreign Service employees under this subsection.

Section 6 of the bill would add a new subsection (d) to section 5724a of title 5 to authorize reimbursement of miscellaneous expenses incurred by any Federal employee following receipt of transfer orders which would require

changed for the convenience of the Government.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

Section 7 of the bill would authorize a maximum amount of 12,000 pounds of household goods for employees who require nontemporary (long term) storage of personal effects incident to a permanent change of station.

Section 8 of the bill would repeal paragraph (1) of section 5923 of title 5 and renumber remaining paragraphs accordingly. Paragraph (1) now authorizes a temporary lodging allowance which would be provided under proposed new section 5926 that would be added to title 5 by section 11 of the bill.

Section 9 of the bill would amend subparagraph (2)(B) of section 5924 of title 5 to authorize allowances on all transfers of Federal employees for the convenience of the Government to a permanent duty station in the United States from a post abroad. Section 5924(2) now authorizes payment of transfer allowances to employees transferred back to the United States when it is anticipated that they will be reassigned abroad in the future. However, employees incur expenses in establishing their households at a new post of duty in the United States irrespective of whether they will again be assigned abroad. This amendment would permit reimbursement of expenses in these situations. Transfer allowances are not now authorized for employees brought back to the United States for separation and neither will they be authorized by this amendment. Section 9 would also add language to section 5924(2) that would require an employee to repay any amount paid to him to reimburse expenses incurred in the United States if the employee separates within 12 months after

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

he is transferred, unless the organization for which he is transferred has control that are acceptable to the agency concerned. A similar requirement is contained in section 5724(i) applicable to domestic transfer allowances. An employee who retires voluntarily on an immediate annuity within the 12 month period following a domestic transfer is not required to repay expenses reimbursed under subchapter II of chapter 57 of title 5, and it is not intended to require repayment of such reimbursements in similar situations under this new requirement being added to subchapter III of chapter 59 of title 5.

Section 10 of the bill would extend to employees of all agencies and departments the educational travel benefits now available only to the employees of the Department of State, the Agency for International Development, and the United States Information Agency. Employees of all agencies may be reimbursed for necessary travel expenses for dependents to attend secondary schools or colleges in the United States. However, employees of State, AID, and USIA may be reimbursed for one round trip each year for each qualifying dependent, while employees of other agencies may be reimbursed for only one round trip for each type of education. This section would therefore assure that dependents of all employees are treated equitably under the same policies. This section would also authorize travel to attend certain types of technical schools, such as nursing schools, in recognition of the fact that many dependents now seek career training other than the traditional college programs. It is intended that this covers only schools that operate on an academic year basis. Short-term; i. e., less than 9 month programs, will not be covered.

Section 11 of the bill would establish a new section 5926 in subchapter III of chapter 59 of title 5 to authorize payment of subsistence expenses while

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

employees and/or their immediate family members necessarily occupy temporary quarters incident to an assignment abroad or to a transfer to a permanent post of duty in the United States following an assignment abroad.

A similar allowance is now authorized by section 5923(1) which is being repealed.

Currently employees are authorized allowances for temporary lodging up to 30 days prior to departure from a foreign post and up to 90 days following arrival at a new foreign post of assignment. The proposed new allowance would provide reimbursement for a maximum of 90 days and cover periods of necessary occupancy of temporary quarters at both the old and new posts.

Further, reimbursement beyond 60 days could be authorized only if the agency head determined that there were compelling reasons for continued occupancy of temporary quarters. Proposed new section 5926 would also contain a provision requiring repayment of reimbursements for expenses incurred in the United States if the employee separates from Government service within 12 months for unacceptable reasons. The provision is the same as the one described above under section 6.

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation "To amend chapter 55 of title 5, United States Code, to exclude from consideration any post differential paid under section 5925 of title 5 when computing the lump sum payment for unused annual leave for employees who separate at an overseas post."

This proposal is part of the legislative package required to implement the recommendations of the Interagency Committee on Overseas Allowances and Benefits. This Committee, which was composed of top officials from the 20 agencies with overseas employees, made a comprehensive review of the allowances and benefits provided overseas employees and recommended changes to assure equity and uniformity in the future administration of the system.

The Office of Management and Budget advises that from the standpoint of the Administration's legislative program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
Under the existing provisions of 5 USC 5551, employees who separate are entitled to a lump sum payment for annual leave which they have accrued but have not used as of the date of their separation. The computation of the lump sum payment includes certain elements of premium pay to which the employee is entitled while on active duty. One of these elements of premium pay is the post differential which is authorized under 5 USC 5925.

The post differential is an allowance which is granted as a recruitment and retention incentive, which may not exceed 25% of the employee's base pay, and which is intended to encourage employees to serve at hardship posts. This allowance was reviewed by the Interagency Committee on Overseas Allowances and Benefits and it was concluded that the inclusion of this allowance in the lump sum payment made to an employee who is separating is inconsistent with its primary purpose. This proposed legislation would therefore exclude this allowance from the computation of the lump sum payment being made to employees who are separated at an overseas post.

We would appreciate your early and favorable consideration of this bill.

Sincerely,

Enclosure

A B I L L

To amend chapter 55 of title 5, United States Code, to exclude from consideration any post differential paid under section 5925 of title 5 when computing the lump-sum payment for unused annual leave for employees who separate at an overseas post.

1 Be it enacted by the Senate and House of Representatives of the
2 United States of America in Congress assembled,

3 That section ~~555~~(a) of title 5, United States Code, is amended to read:

4 "(a) An employee as defined by section 2105 of this title
5 or an individual employed by the Government of the District of
6 Columbia, who is separated from the service or elects to receive
7 a lump sum payment for leave under section 5552 of this title,
8 is entitled to receive a lump sum payment for accumulated and
9 current accrued annual or vacation leave to which he is entitled
10 by statute. The lump sum payment shall equal the pay the employee
11 or individual would have received had he remained in the service
12 until expiration of the period of the annual or vacation leave except
13 that the computation of such payment shall exclude from consideration
14 any post differential paid under section 5925 of this title."

This draft bill amends 5 USC 5551 to prohibit the inclusion of an increment for the post differential in the lump sum annual leave payment being made to employees who are separating. The post differential is a recruitment and retention allowance, intended to persuade employees to serve at a hardship post. To include this differential in the lump sum payment being made to an employee who is separating is not consistent with the general intent of the allowance. It has therefore been concluded that the legislation respecting the lump sum payment should be amended to prohibit the inclusion of this increment.

Honorable Thomas P. O'Neill, Jr.
The Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation "To amend chapter 57 of title 5, United States Code, to authorize rest and recuperation and family visitation travel for certain employees assigned in foreign areas."

This proposal is part of the legislative package required to implement the recommendations of the Inter-agency Committee on Overseas Allowances and Benefits. This Committee, which was composed of top officials from the 20 agencies with overseas employees, made a comprehensive review of the allowances and benefits provided overseas employees and recommended changes to assure equity and uniformity in the future administration of the system.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

The draft bill would amend title 5, U.S. Code, to authorize all agencies to provide rest and recuperation, family visitation, and emergency visitation travel to Government employees assigned in foreign areas in the same manner as such travel is now authorized for Foreign Service employees pursuant to section 911 of the Foreign Service Act of 1946, as amended. The applicable paragraphs of section 911 would be repealed by this legislation.

Rest and recuperation travel would be provided for employees assigned to designated foreign posts in remote areas for two or more years where conditions are harsh and unchanging and where efficiency of employees would be improved by an opportunity to travel to a location with a different environment. Family visitation travel would be authorized for employees assigned to posts where hostile conditions prevent families from accompanying employees. Emergency visitation travel would be authorized to partially reimburse employees for the extraordinary cost of inter-continental travel in personal emergencies when there is a death or serious illness in the family.

2.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

A draft bill, section analysis and detailed explanation
is enclosed.

Sincerely,

Enclosure:
as stated.

DG/EM:RHull
10/18/77

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

To amend Chapter 57 of title 5, U.S. code, to authorize rest and recuperation and family visitation travel for certain employees assigned in foreign areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter IV of chapter 57, title 5, U.S. Code, is amended by adding the following new section 5752 at the end thereof:

"5752. Rest and Recuperation and Family Visitation Travel for Employees Assigned in Foreign Areas

"(a) Under such regulations as the President may prescribe, an agency may pay the travel expenses --

"(1) for an employee and members of the immediate family of the employee to another designated location having different physical or psychological environmental conditions than those at the post in a foreign area at which such employee is serving which has been specifically designated by the Secretary of State as eligible for rest and recuperation travel. Such travel expenses shall be limited to the cost for each employee and family member of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;

"(2) for an employee for two round trips each year to visit the employee's spouse or minor children in situations where family members are prevented by official order from accompanying such employee to,

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
or have been ordered evacuated from, the employee's assigned post because of danger from hostile activities, except that with respect to any such employee whose dependents are located abroad, such number of trips may be authorized as determined appropriate under regulations not to exceed the cost of two round trips of less than first class to the District of Columbia; and

"(3) for an employee, and the spouse and dependent children of the employee located abroad, for family visitation in emergency situations involving personal hardship, except that the employee shall pay a deductible of \$100 for each round trip authorized under this paragraph unless a substantial portion of the trip is performed on U.S. Government transport facilities.

"(b) Transportation expenses under this section may be paid only 1) for employees who are nationals of the United States assigned to posts in a foreign area (and their eligible dependents located abroad) who are eligible to accumulate leave under section 6304 (b) of this title, or section 904 of title 20, U.S. Code, except for locally hired personnel, and 2) when the purpose of the travel cannot be accomplished by using U.S. Government transport on a space required basis without cost to the employee."

Section by Section Analysis

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

This bill would amend title 5, U.S. Code, to authorize all agencies to provide rest and recuperation, family visitation, and emergency visitation travel to all Government employees assigned in foreign areas in the same manner as such travel is now authorized for Foreign Service employees pursuant to section 911 of the Foreign Service Act of 1946, as amended.

Section (a) would add section 5752 to subchapter IV of chapter 57 of title 5. The proposed new section 5752(a) consists of three paragraphs as follows:

paragraph (1) would authorize rest and recuperation travel for employees and eligible dependents assigned to specially designated posts;

paragraph (2) would authorize family visitation travel for employees assigned to posts where family members are prevented by official order from accompanying employees because of hostile activities;

paragraph (3) would provide emergency visitation travel to employees assigned in foreign areas and their eligible dependents located abroad in family emergencies involving serious illness or death.

Proposed new section 5752(b) establishes eligibility requirements applicable to the three types of travel and requires that such travel be performed on U.S. Government transport on a space required basis, whenever possible.

of the bill

Section . (b)/would delay implementation of a proposed \$100 deductible requirement for employees who currently pay a deductible of a different amount pursuant to an agreement between a Government agency and an employee organization.

of the bill

Section : (c)/would repeal paragraphs (9) and (11) of section 911 of the Foreign Service Act of 1946, as amended, which currently authorize similar travel for Foreign Service employees.

Explanation and Justification

Rest and Recuperation

At posts where conditions are harsh and unchanging, employees tend to experience a progressive loss of efficiency and a lowering of morale. An opportunity for rest and recuperation in a place with a different physical or psychological environment restores efficiency and morale and is beneficial to the Government in several ways. In some cases it permits lengthened tours of duty and thus reduces transfer expenses and improves efficiency through greater continuity on the job. It also provides an incentive to capable employees to volunteer to serve at difficult posts.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
The Department of State presently designates

posts at which Foreign Service employees are eligible for rest and recuperation travel as those (1) where such factors as unchanging unfavorable climate, unusual personal danger, and isolation, coupled with lack of recreational, cultural, medical, and dental facilities contribute to a progressive loss of efficiency, and (2) where the cost of transportation to the nearest suitable relief area is so great as to make it unreasonable to expect that employees could finance the necessary family travel.

The closest place that provides the necessary physical and psychological change is designated as the relief area. Employees may travel to alternate relief areas when approved by an authorizing officer at post, but must pay any additional transportation costs involved.

Transportation expenses are provided for employees (and dependents who are authorized to travel at Government expense to the assigned post) for one rest and recuperation trip per two year tour or for two round trips during a three year tour unbroken by home leave.

Family Visitation Travel

At posts where family members are evacuated or are prevented from accompanying employees because of hostile activities, those who serve there encounter extraordinary travel expenses to make periodic visits to their spouses and children. Foreign Service employees are granted two trips per year to the U.S., or more frequent trips to a nearby safehaven post at an equivalent cost, for family visitation purposes in such situations. Currently only Beirut, Lebanon and Vientiane, Laos are designated for this purpose.

Extension of this benefit to other Government employees would reduce their extraordinary expenses and would make it feasible for additional competent employees to volunteer for assignments at such dangerous posts.

Emergency Visitation Travel

When an employee or dependent who is located abroad is required to return to the United States because of a serious illness or death in the family, his or her travel expenses are extraordinary in comparison with similar travel costs of employees in the United States. Foreign Service employees and dependents located abroad are authorized reimbursement for such extraordinary travel expenses.

They are also authorized to accompany remains.
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
of a dependent who dies abroad to the place of
interment.

Regulations of the Department of State authorize employees assigned abroad, and their spouses and children authorized to accompany them abroad, transportation expenses for family visitation in the event a parent, spouse, child, or, in personal hardship situations when specially authorized, other close relative becomes seriously ill or has died. Transportation expenses are approved in cases of illness only after the Department's Medical Director ascertains that death is imminent or is likely to occur or is of such a nature that absence of the employee or eligible dependent would result in great personal hardship.

Ordinarily, only one person is authorized to travel in any emergency, but in situations such as the critical illness of a child away from post, both parents are authorized to travel, and young children are authorized to accompany a parent if the other parent is not at post or if there is no way to provide necessary care.

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

Foreign Service employees are currently required to pay a deductible for each such trip of from \$75 to \$175 depending upon salary level. The deduction represents the amount an employee in the U.S. might expect to pay for travel in a personal emergency. The amount of the deductible for Foreign Service employees is based upon a formal agreement between management and the employee organization. The Interagency Committee recommended that the deduction be fixed at \$100 for everyone. The accompanying legislation adopts that recommendation but would delay implementation for up to two years in order not to preempt a labor management agreement.

Extending this provision to cover all Government employees assigned in foreign areas is recommended in order that all may be reimbursed in a uniform manner for these extraordinary expenses incurred because of service abroad.

General Provisions

The proposed legislation would be applicable only to Federal employees who are U.S. citizens or U.S. nationals assigned in a foreign area (and their authorized dependents) who are recruited outside the country of assignment as determined under rules in 5 U.S.C. 6304(b).

- u -

The term "national of the United States" is defined in section 100(a)(22) of the Immigration and Nationality Act of 1952, as "(A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States."

The term "foreign area" is defined in 5 U.S.C. 5921(6) as "(A) the Trust Territory of the Pacific Islands; and (B) any other area outside the United States, the Commonwealth of Puerto Rico, the Canal Zone, and territories and possessions of the United States."

Under current regulations of the Department of State, only transportation is provided for travel for the above purposes; per diem is not authorized at any point. Also, employees are charged leave for all absences from duty because of travel under these provisions. Employees are required to use facilities of the Military Airlift Command whenever possible in lieu of commercial facilities.

If this proposed legislation is enacted, it is planned to recommend that the President delegate his authority to issue implementing regulations to the Secretary of State, and that the present regulations of the Department of State would be extended Government-wide. The proposed delegation

- 7 -

to the Secretary of State would be consistent with his present responsibilities for administering the overseas allowance, differential and per diem programs.

Cost Estimate

(To be supplied by Inter-Agency Committee)

Robert B. Hull, Jr.
Department of State
Room 2820, NS
DG/EM 632-1273
10/18/77

Honorable Thomas P. O'Neill, Jr.
The Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation "To amend Chapter 57 of title 5, United States Code, to establish, for all employees assigned to a permanent overseas duty station, a uniform policy for authorizing the transportation of privately owned motor vehicles.

This proposal is part of the total legislative package needed to implement the recommendations of the Interagency Committee on Overseas Allowances and benefits which cannot be implemented Administratively. This Committee, which was composed of top officials from the 20 agencies with overseas employees, analyzed the allowances and benefits provided to overseas employees and recommended changes to assure equity and uniformity in the future administration of the system. The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The Committee's investigation into the administration of the

allowance to transport a motor vehicle revealed that the lack of equity was due mainly to the provision in Section 5727(b) which provides in pertinent part that

"... The privately owned motor vehicle of an employee... may be transported at Government expense...when...the head of the agency determines that it is in the best interest of the Government for the employee to have the use of a motor vehicle at the post of duty."

It is the view of this committee that the vast differences in the policies of the various agencies, highlighted by the General Accounting Office in 1974, are attributable to this provision which allows each agency to establish individual policy with regard to the circumstances when employees may be authorized to transport a privately owned motor vehicle at Government expense. This proposal will place the responsibility for making the determination with the agency responsible for issuing the Government-wide regulations and should therefore insure that all transferred employees will be given the same treatment.

To amend subchapter II of Chapter 57 title 5, United States Code, to establish a uniform policy with respect to transportation of privately owned motor vehicles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that title 5, United States Code is amended by deleting from subsection 5727(b)(2), the words "The head of the agency concerned determines that."

SECTION ANALYSIS

This bill would amend title 5, United States Code to establish a more equitable policy regarding the transportation of privately owned motor vehicles of employees transferring to, from, or, between the conterminous United States and - post of duty outside the conterminous United States, or between posts of duty outside the conterminous United States. Under this proposed bill, agencies would no longer determine when it is in the best interest for employees to transport privately owned motor vehicles.

Honorable Thomas P. O'Neill, Jr.
The Speaker of the House of Representatives
Washington, D. C. 20515

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

Dear Mr. Speaker:

There is forwarded herewith a draft of legislation "To amend chapter 79 of title 5, United States Code, to authorize the establishment of a health care program which will provide for physical examinations and immunizations for employees and their dependents assigned overseas and for the payment of travel expenses and the cost of treatment of an illness or injury incurred by an employee or his dependents while assigned abroad under certain circumstances. "

This proposal is part of the legislative package required to implement the recommendations of the Interagency Committee on Overseas Allowances and Benefits. This Committee, which was composed of top officials from the 20 agencies with overseas employees, totally reviewed the allowances and benefits provided overseas employees and recommended changes to assure equity and uniformity in the future administration of the system. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

Purpose of the Legislation

During the course of the study alluded to above, it was observed that there was a wide diversity of legislative authority governing medical and health

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

care to the various agencies having civilian personnel assigned in foreign areas. This diversity of authorization results in considerable differences between agencies regarding level of medical benefits provided employees and their dependents.

The Committee recognized the desirability of providing, at Government expense, a reasonable minimum level of benefits to all employees serving abroad taking into consideration the protection of both the employer and the employee, the overseas health environment, and the needs of the Government.

This proposed bill will authorize the head of each agency to establish a health care program which will provide for pre-embarkation physical examinations for employees and their dependents; periodic examinations while overseas where local environmental health conditions warrant; and of four physical examinations for employees; necessary immunizations; treatment of employees and their dependents for conditions sufficiently serious to cause hospitalization as judged by competent medical authority and incurred as a consequence of unusual or hazardous circumstances of the overseas stations; and round trip transportation or payment of travel expenses to obtain necessary treatment when employees or their dependents suffer an illness or injury requiring medical care which is not available at the post of duty outside the United States to which the employee is assigned or detailed.

having medically sound employees and dependents assigned to overseas
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

stations; to maintain employees physically fit for duty; to preclude inappropriate assignment of employees and dependents to areas for which they have medically contraindicated conditions; to protect employees and dependents through appropriate inoculations to assist employees and dependents stationed abroad in obtaining medical services for conditions related to the overseas assignment; to assure access to and from adequate sources of medical care thus reducing pain and suffering and permitting timely and proper diagnosis and treatment of medical conditions for employees and dependents.

Under Title 22, USC 1156-1158, the Foreign Affairs Agencies are currently authorized to provide a health care program similar to that described above to employees and their dependents. Through special legislation or annual appropriation acts, a few of the non-foreign service agencies are also authorized to provide this level of benefits to employees and their dependents. However, other agencies, notably the Department of Defense, have available to them only the discretionary authority provided under 5 USC 7901 to establish health services programs. These programs can provide only rudimentary benefits limited to "first aid" services or treatment of occupationally-related illness or injury for employees only. These agencies have no authority to provide medical services for dependents.

The net result of this discrepancy is considerable inequity between overseas employees of the various agencies and the inability of some Federal agencies to provide to overseas employees and dependents a level of health care equivalent to that available in the United States.

This bill is designed to correct this inequity by authorizing uniform medical benefits for all employees assigned abroad. The level of benefits provided is that which was considered by a medically-oriented task force to be the minimum necessary to provide protection to both employees and the Federal Government.

Assurance of adequate health and medical care is essential to our ability to attract and retain well-qualified employees to our positions overseas.

We urge that the Congress give early, favorable consideration to this proposal.

Cost and Budget Data

To be supplied by agencies.

head of each agency to establish a health care program which will provide for physical examinations and immunizations for employees and their dependents assigned overseas and for the payment of travel expenses and the cost of treatment of an illness or injury incurred by an employee or his dependents while assigned abroad under certain conditions.

1 Be it enacted by the Senate and House of Representatives of the
2 United States of America in Congress assembled, That title 5, United
3 States Code, is amended by inserting the following new section in

4 chapter 79:

5 "§ 7904. Overseas Health Programs

6 "SEC. 1. For the purpose of this section

7 "(1) 'employee' means an employee as defined by section 2105
8 of title 5;

9 "(2) 'dependent' means--

10 "(A) the spouse of an employee; and

11 "(B) an unmarried child of the employee, including
12 an adopted child, who either--

13 "(i) has not passed his twenty-first birthday;

14 "(ii) in the case of a stepchild, foster child, or
15 recognized natural child, lives with the employee in a

2 first birthday; or

3 "(iii) is incapable of self-support because of a
4 mental or physical incapacity that existed before he
5 reached his twenty-first birthday;

6 "(3) 'United States,' in geographic sense, means States,
7 District of Columbia, Canal Zone, territories, possessions of
8 the United States and the Commonwealth of Puerto Rico;

9 "(4) 'Agency' has the meaning given it by section 5721 of
10 this title.

11 "SEC. 2. Under regulations prescribed by the head of an agency,
12 physical examinations and immunizations shall be provided for employees
13 and their dependents traveling to a post outside the United States as a
14 result of the employee's permanent or temporary duty assignment and under
15 orders issued by the agency. The head of an agency may authorize,
16 where local health conditions warrant, periodic examination, immuniza-
17 tion and inoculation of employees permanently or temporarily assigned
18 to a post outside the United States and their dependents as part of a
19 program of on-going preventive medicine.

20 "SEC. 3. Under regulations prescribed by the head of an agency,
21 payment for the cost of treatment of an illness or injury incurred by a
22 United States citizen employee of the agency or his dependent while such
23 individual is permanently or temporarily assigned to a post outside the
24 United States, shall be made if that illness or injury--

1 "(1) is sufficiently serious to cause hospitalization as
2 Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
3 Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

3 "(2) is the result of the unusual or hazardous medical
4 risk circumstances of the overseas location; and

5 "(3) is not the result of vicious habits, intemperance or
6 misconduct on the employee's or his dependent's part.

7 "SEC. 4. Under regulations prescribed by the head of an agency,
8 payment of the travel expenses of a United States citizen employee of
9 the agency or his dependents to and from the nearest locality where
10 suitable medical care can be obtained shall be made by whatever means
11 the head of the agency considers appropriate, including the furnishing
12 of transportation if--

13 "(1) the individual is permanently or temporarily assigned
14 to a post outside the United States where there is no qualified
15 person or facility to provide suitable medical care; and

16 "(2) the illness or injury is not the result of vicious habits,
17 intemperance, or misconduct on the employee's or his dependent's
18 part.

20 Payment may also be made under such regulations for the round trip
21 travel expenses of attendants for persons covered by this section who
22 are too ill to travel unattended, or for a dependent too young to travel alone.

1 "SEC. 5. Provisions of this Act apply notwithstanding any other
Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1
2 provision of law, except Part E, Subchapter IX, chapter 14 of title 22."

This bill would amend title 5, U. S. Code to authorize the head of each agency to establish a health care program which will provide for physical examinations and immunizations for employees assigned overseas and their dependents and for the payment of travel expenses and the cost of treatment for an illness or injury incurred by employees assigned abroad and their dependents under certain conditions.

The proposed new section 7904 consists of five paragraphs as follows:

Paragraph 1 provides definitions of several terms used in this section;

Paragraph 2 would authorize physical examinations and immunizations at Government expense for employees and their dependents prior to their departure for an assignment abroad. It would also authorize periodic examinations and immunizations of employees and their dependents during an assignment abroad where local health conditions warrant;

Paragraph 3 would authorize payment for the cost of treatment of an illness or injury incurred by employees and their dependents while assigned to a post of duty outside the United States under certain prescribed conditions;

Paragraph 4 would permit the provision of transportation or the payment of travel expenses when United States citizen employees or their dependents suffer an illness or injury requiring medical care which is not available at the post outside the United States to which the employee is assigned. It authorizes the payment of travel expenses or the furnishing of transportation for the stricken person to the nearest place where adequate medical care can be obtained. It would apply as well to return travel to the post of duty upon recovery of the person. This paragraph also would permit the payment of round trip travel expenses of an attendant(s) if the stricken person is too ill to travel unattended or is too young to travel alone.

Paragraph 5 would permit employees of the Foreign Affairs Agencies (State, USIA, USIS, AID, etc.) to continue to enjoy the same level of benefits currently provided under title 22, U.S. Code, which, in some cases, because of the nature of the employment, exceed the benefits provided employees of other agencies by this bill.

☐ UNCLASSIFIED ☐ INTERNAL USE ONLY ☐ CONFIDENTIAL ☐ SECRET

Approved For Release 2001/09/01 : CIA-RDP81-00314R000600010009-1

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

SSA-DDA
7 D 16 Hqs.

EXTENSION

NO.

DATE 29 November 1977

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. [REDACTED]
OP 5 E 60 Hdqtrs.

Dec 7 1977
CNA

FYI - The attached represents the legislation necessary to implement the recommendation of the Interagency Committee on Overseas Allowances and Benefits. The other recommendations do not require legislation. The attached legislation should go before the full Committee in December 1977.

2.

3. C/Review Staff
Att: [REDACTED]

4.

5.

6.

D/SSA/DDA

7.

8.

9.

10.

11.

12.

13.

14.

15.

STATINTL